



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101  
SEP 30 2010

Mr. Roderick L. Bremby, Secretary  
Kansas Department of Health and Environment  
Office of the Secretary  
1000 S.W. Jackson, Suite 540  
Topeka, Kansas 66612-1368

Dear Mr. Bremby:

Re: Smoky Hill/Saline River Basin and Solomon River Basin TMDLs

This letter responds to the submission from the Kansas Department of Health and Environment (KDHE) on July 16, 2010, of seven final Total Maximum Daily Load (TMDL) documents and a subsequent submission on August 12, 2010, of two final TMDL documents. This submittal fulfills the Clean Water Act statutory requirement to develop TMDLs for those waters listed on the Kansas § 303(d) List. Specifically, these nine documents, representing their water bodies and impairments, were addressed:

- Big Creek – Total Suspended Solids
- Big Creek – Nitrate
- Big Creek – Bacteria
- North Fork Solomon River – Bacteria
- South Fork Solomon River – Bacteria
- Lower Solomon River – Total Suspended Solids
- Lower Smoky Hill River (Salina to Junction City) – Total Suspended Solids
- Smoky Hill River near Mentor – Total Suspended Solids
- Smoky Hill River near Mentor - Bacteria

The United States Environmental Protection Agency (EPA), Region 7, reviewed each of the nine TMDL submittals. EPA has completed its review of the TMDLs for which KDHE has completed revisions, supporting documentation and information. By this letter, EPA is approving four of the TMDL documents submitted.

- Big Creek – Total Suspended Solids
- Big Creek – Nitrate
- Big Creek – Bacteria
- Smoky Hill River near Mentor – Bacteria

EPA Region 7 TMDL review forms are enclosed with this letter which summarizes the rationale for EPA's approval for each approved TMDL document. EPA believes the separate elements of the TMDLs described in the review forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. Although EPA does not approve the monitoring plans submitted by the state, EPA acknowledges the state's efforts. EPA understands that the state may use the monitoring plans to gauge the effectiveness of the TMDLs and determine if future revisions are necessary or appropriate to meet applicable water quality standards. The additional five TMDL documents are still under review.

- North Fork Solomon River – Bacteria
- South Fork Solomon River – Bacteria
- Lower Solomon River – Total Suspended Solids
- Lower Smoky Hill River (Salina to Junction City) – Total Suspended Solids
- Smoky Hill River near Mentor – Total Suspended Solids

EPA has engaged in consultation under Section 7 of the Endangered Species Act with the United States Fish and Wildlife Service regarding these TMDLs. While EPA is approving the four TMDL documents at the present time, EPA may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

EPA commends KDHE on its efforts to submit these TMDLs for the Smoky Hill/Saline and Solomon Basins. We appreciate the thoughtful teamwork and partnering effort that Kansas has put forth in the development of these TMDLs. We will continue to cooperate and assist, as appropriate, in future efforts by Kansas to develop TMDLs.

Sincerely,

  
for William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Tom Stiles  
Kansas Department of Health and Environment